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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,514	10/09/2001	Hidetoshi Kabasawa	JCLA8093	7324
7590	04/23/2004		EXAMINER	
		KLIMOWICZ, WILLIAM JOSEPH		
		ART UNIT	PAPER NUMBER	
		2652		
DATE MAILED: 04/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/974,514	KABASAWA, HIDETOSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	William J. Klimowicz	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 March 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 8 and 12-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 8 and 12-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Status***

Claims 1-7 and 9-11 have been voluntarily cancelled by the Applicants.

Claims 8 and 12-15 are currently pending.

### ***Claim Objections***

Claim 13 is objected to because of the following informalities and appropriate correction is required.

The following phrase(s) lack clear antecedent basis within the claim(s), i.e., either the particularly recited passage fails to be properly introduced prior to its appearance at that point in the claim or the structure recited in the passage is not an inherent part of or component of the previously recited structure. The lack of antecedence as noted *infra*, is merely formal, since the claims can be understood in light of the instant specification and drawings; the antecedence informalities delineated below do not rise to the level of a rejection under 35 USC 112 2<sup>nd</sup> paragraph:

(i) Claim 13 (line 1-2), “the recording medium transfer ***means***” (emphasis in bold italics added - which should be amended to read --the recording medium transfer mechanism-- in order to remain consistent with preceding claim language).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda et al. (US 6,262,961 B1).

As per claim 8, Maeda et al. (US 6,262,961 B1) discloses a recording medium loading apparatus (e.g., FIGS. 1 and 2), comprising: a recording medium transfer mechanism (including holder (100)), for transferring an inserted recording medium (e.g., bare disc or disc encased in cartridge) between an eject position (e.g., FIG. 12) and a loaded position (e.g., FIGS. 14, 15); a driving device (e.g., including 111, 112a, 13a, 13) for driving the recording medium transfer mechanism (100); and a control device (e.g., state of media detection switch, which detects the state of the inserted media - e.g., see control chart of FIG. 11, which summarizes in part the means for controlling the loading action - via holder (100), by way of a detection switch) for controlling the driving device, wherein between the eject position and the loaded position in front of the insertion direction of the recording medium, the control device performs a control process such that the driving device (e.g., including 111, 112a, 13a, 13) generates a driving force having a magnitude that the recording medium transfer mechanism (100) is not operated (e.g., see FIG.

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11, under the column of "loading action" of "Stop" or "Prohibit" such that the loading action of holder (100) is "stopped" or "prohibited."

As per claim 12, further comprising: a base (e.g., 8) with a recording medium driving means (2) for rotationally driving the recording medium (e.g., 300 or 301); a clamper mechanism (e.g., 26, 27) for clamping the recording medium on the recording medium driving means (2); and a recording medium determination means (e.g., including 114, 115) for determining a recording medium type (e.g., bare or in cartridge) of the inserted recording medium (300, 301), wherein when the recording medium type is determined by the recording medium determination means (e.g., including 114, 115), and after the recording; medium transfer mechanism is activated to transfer the recording medium to a proper loaded position corresponding to the determined recording medium type (e.g., 30, 301), the control device activates the clamper mechanism (25, 26) to clamp the recording medium on the recording medium driving means (2) (e.g., see FIGS. 13(a) through 15(b)).

As per claim 13, wherein the recording medium transfer mechanism (100) further comprises: a holder (100); and a carrier (e.g., including (107)) capable of recording mediums of different types and movably supported on the holder (100), wherein the recording medium (30, 301) is transported between the eject position (FIG. 12) and the loaded position (FIG. 14, 15), wherein the clamper mechanism (25, 26) moves one of the holder (100) and the base (8) to approximate the other one, so as to clamp the recording medium (300, 301) on the recording medium driving means (2).

As per claim 14, wherein the recording medium determination means (e.g., including 114, 115) is constructed to determine whether an inserted disc is a disc-shaped recording

medium received within a cartridge (300) or a disc-shaped recording medium without being received within a cartridge (301).

As per claim 15, wherein the recording medium determination means (e.g., including 114, 115) is constructed to determine whether an inserted disc is a disc-shaped recording medium with a diameter of 8cm, or a disc-shaped recording medium with a diameter of 12cm (e.g., see *inter alia*, COL. 11, line 65 through COL. 12, line 7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (703) 305-3452. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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William J. Klimowicz  
Primary Examiner  
Art Unit 2652

WJK